

PHJ  
Northern California

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MI PUEBLO FOODS

and

Case 32-CA-064836

THE UNITED FOOD AND COMMERCIAL  
WORKERS UNION, LOCAL 5

ORDER DENYING MOTION FOR RECONSIDERATION

On May 28, 2014, the National Labor Relations Board issued a Decision and Order<sup>1</sup> affirming the judge's findings, to which no exceptions were filed, that the Respondent violated Section 8(a)(1) of the Act by threatening an employee that he would likely not be promoted if the Union came in and by interrogating two employees on separate occasions about their union sympathies. The Board also denied certain additional remedies sought by the Charging Party. On June 23, 2014, the Charging Party filed a motion for reconsideration of the Board's Decision and Order.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

In its motion, the Charging Party argues generally that delay, "the large turnover at retail stores like [the Respondent]," and the Respondent's filing of a bankruptcy petition warrant reconsideration of the remedies provided. It requests additional remedies, including a broad order and an extended posting period, which the judge and

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<sup>1</sup> 360 NLRB No. 121.

the Board rejected in the underlying case. We find no circumstance that would require a different result now. We also deny the Charging Party's request that the Board mail the decision and notice to employees, because the Charging Party has failed to proffer any evidence showing that this remedy is warranted or that it could not have been requested in the earlier proceedings.

Section 102.48(d)(1) of the Board's Rules and Regulations requires a party to show "extraordinary circumstances" to justify reconsideration of a Board decision, and also requires a party to show that any new evidence it seeks to introduce "would require a different result." Having duly considered the matter, we find that the Charging Party has failed to show that such extraordinary circumstances exist. Accordingly, we shall deny the Respondent's motion.

IT IS ORDERED that the Respondent's Motion for Reconsideration is denied.

Dated, Washington, D.C.,

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Mark Gaston Pearce, Chairman

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Kent Y. Hirozawa, Member

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Harry I. Johnson, III, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD